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LEGISLATIVE HISTORY
Public Law 91-435
H.R. 11953

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INDEX AND SUMMARY OF H.R. 11953

- June 2, 1969 Rep. Rhodes and others introduced H.R. 11953 which was referred to House Agriculture Committee. Print of bill as introduced.
- June 29, 1970 House subcommittee approved H.R. 11953 for full committee consideration.
- July 8, 1970 House committee voted to report H.R. 11953
- July 13, 1970 House committee reported H.R. 11953 without amendment. H. Rept. 91-1295. Print of bill and report.
- July 20, 1970 House passed H.R. 11953 as reported.
- July 21, 1970 H.R. 11953 referred to S. Agriculture and Forestry Committee. Print of bill as referred.
- Sept. 16, 1970 Senate committee voted to report H.R. 11953.
- Sept. 17, 1970 Senate committee reported H.R. 11953 without amendment. S. Rept. 91-1202. Print of bill and report.
- Sept. 21, 1970 Senate passed H.R. 11953 as reported.
- Oct. 6, 1970 Approved: P.L. 91-435

91ST CONGRESS
1ST SESSION

H. R. 11953

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1969

Mr. RHODES (for himself, Mr. TEAGUE of California, and Mr. KYL) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend section 205 of the Act of September 21, 1944 (58 Stat. 736), as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 205 of the Department of Agriculture Organic
4 Act of 1944, approved September 21, 1944 (58 Stat. 736),
5 as amended by the Act of April 24, 1950 (64 Stat. 82), is
6 hereby further amended to read as follows:

7 “SEC. 205. The Forest Service by contract or otherwise
8 may provide for procurement and operation of aerial facili-
9 ties and services for the protection and management of the
10 national forests and other lands administered by it, including
11 the furnishing, at the airbase, of facilities, equipment, mate-

1 rials and the preparation, mixing and loading into aircraft,
2 with authority to renew any contract for such purpose
3 annually, not more than twice, without additional
4 advertising.”

91ST CONGRESS
1ST SESSION

H. R. 11953

A BILL

To amend section 205 of the Act of September 21, 1944 (58 Stat. 736), as amended.

By Mr. RHODES, Mr. TEAGUE of California, and
Mr. KYL.

JUNE 9, 1969

Referred to the Committee on Agriculture

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of June 29, 1970
91st-2nd; No. 108

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HIGHLIGHTS. Senate Committee reported FY 71 agricultural appropriations bill. Senate agreed to conference report on second supplemental appropriations bill. Senate passed bill increasing public debt limit. House Committee reported bills regarding marketing orders for apples, loans for land conservation and utilization, increasing certain loan limitations, and marketing research for almonds. House subcommittees approved bills allowing FS to contract for aerial facilities and permitting marketing agreements for Hawaiian papayas.

SENATE

1. APPROPRIATIONS. Committee on Appropriations reported with amendments H. R. 17923, agricultural appropriations bill FY 71 (S. Rept. No. 91-987). A copy of the report will be attached to the Digest as soon as available.
p. S10055

Agreed to conference report on H. R. 17399, second supplemental appropriations for FY 1970. This bill now goes to the President.
pp. S10090-10100

2. DEBT LIMIT. Passed without amendment H. R. 17802 increasing the public debt limit. This bill now goes to the President. pp. S10181-82, S10194-209
3. NATIONAL PARKS; RECREATION; RIVERS AND HARBORS. Committee on Interior and Insular Affairs reported with an amendment S. 532 to establish the Arches National Park in the State of Utah (S. Rept. No. 91-990); and with amendments S. 3547 to authorize the Secretary of the Interior to construct the Narrows Unit, Missouri River Basin Project, Colorado, (S. Rept. No. 91-991). p. S10055
4. JOINT COMMITTEE ON ENVIRONMENT. Special Senate Joint Subcommittee in executive session agreed to recommend to their respective full committees the favorable reporting of S.J. Res. 207 to establish a nonlegislative Joint Committee on the Environment (but no report was actually submitted). p. D699
5. ELECTRIFICATION. Received report from Administrator, REA, reporting approval of a loan to East Kentucky REA Corp. of Winchester, Ky.; to Committee on Appropriations. p. S10054
6. WILD RIVERS; ENVIRONMENT. Sen. McIntyre reported on the saving of a N. H. wild river from urban encroachment and inserted newspaper article detailing community action which prevailed in preserving the natural stream. pp. S10069-70

HOUSE

7. COMMITTEE ACTION. The Agriculture Committee reported the following bills: S. 1455, providing for marketing orders for apples produced in Colorado, Utah, New Mexico, Illinois, and Ohio (H. Rept. No. 91-1246); S. 3598, loans for land conservation and utilization (H. Rept. No. 91-1247); S. 1456 amended, marketing orders applicable to apples for paid advertising (H. Rept. No. 91-1248); H. R. 11547 amended, increasing limitations on certain farm loans (H. Rept. No. 91-1249); H. R. 13978 amended, marketing research and promotion projects for almonds (H. Rept. No. 91-1250). p. H6194
- ✓ 8. SUBCOMMITTEES ACTIONS. Subcommittees of the Agriculture Committee approved for full committee consideration H. R. 11953, allowing FS to contract for aerial facilities for land protection and management, and S. 2484 amended, authorizing marketing agreements for the advertising of Hawaiian papayas. p. D700
9. TARIFFS. Agreed to the Senate amendments to H. R. 14720, continuing the suspension of duties on manganese ore. This bill now goes to the President. pp. H6123-4
10. MINERALS. Agreed to the conference report on H. R. 15833, disposal of acid grade fluorspar from the national stockpile. This bill now goes to the President. p. H6126
11. RIVER BASIN. An Interior and Insular Affairs Committee subcommittee approved for full committee action H. R. 16987 amended, authorizing the construction operation, and maintenance of the Minot extension, Garrison diversion unit, Missouri River Basin project. p. D701

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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
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For actions of July 8, 1970
91st-2nd; No.114

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HIGHLIGHTS: Senate began consideration of agricultural appropriations bill.
House committee reported bill extending boundaries of Toiyabe National Forest.
House committee voted to report the following bills: allowing FS to contract for aerial facilities; permitting marketing agreements for advertising of Hawaiian papayas; proposed Wheat Research and Promotion Act.

SENATE

1. APPROPRIATIONS. Action began on HR 17923, agricultural appropriations bill for FY 1971, adopting all committee amendments en bloc and accepting the following amendments:

Holland amendments to increase funds for the School Lunch and School Breakfast programs;

Smith of Ill. amendment to limit farm supports to \$20,000 per producer;

Goodell amendment increasing funds for FHA direct real estate loans in smaller communities;

Goodell amendment increasing funds for FHA rural water and waste disposal grants in smaller communities; and

McGovern amendment No. 763, modified, increasing funds for the Food Stamp program.

Rejected: Moss amendment barring price support funds for tobacco.
pp. S10785-98; 10803-69

Committee on Appropriations voted to report with amendments, H.R. 16915, for 1971 appropriations for the Legislative Branch (Rept. No. 91-1009). p. S-10742

2. RIVER BASIN. Committee on Interior and Insular Affairs filed report on S. 2808, to authorize Minot extension, Missouri River Basin project, N. Dak. (Rept. No. 91-1005). p. S10742

3. LEGISLATION. Sen. Mansfield reviewed legislative accomplishments of the Senate during this 2nd session, noting the heaviest voting pace since 1964.
pp. S10774-85

HOUSE

4. AGRICULTURE COMMITTEE ACTION. Voted to report (but did not actually report) ~~the following bills:~~

HR 11953, allowing FS to contract for aerial facilities;

S. 2484, authorizing marketing agreements providing for the advertising of Hawaiian papayas;

HR 13543, amended, proposed Wheat Research and Promotion Act. p. D733

5. INTERIOR COMMITTEE ACTION. Voted to report (but did not actually report) the following bills:

HR 13125, amended, relating to the exchange of lands;

HR 12870, amended, establishing the King Range National Conservation Area. p.D733

Reported with amendment S. 3279, extending the boundaries of Toiyabe National Forest (H. Rept. No. 91-1284). p. H6505

6. INDIANS. Both Houses received a Presidential message embodying recommendations and legislative proposals designed to strengthen the degree of self-determination of the American Indian (H. Doc. 91-363); to the Committees on Interior and Insular Affairs. pp. H6438-42, S10799-803

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
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For actions of July 13, 1970
91st-2nd; No. 117

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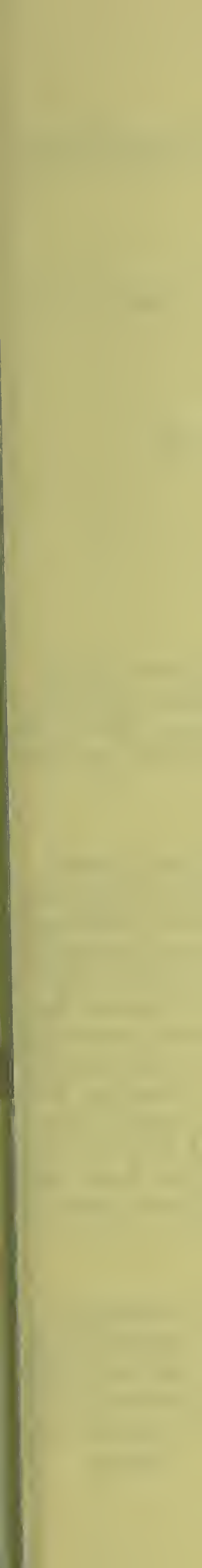
HIGHLIGHTS: House Committee reported bills:
 granting authority for FS to contract for aerial facilities
 authorizing marketing agreements for advertising for papayas.
House disagreed to Senate amendments to the following and appointed conferees:
 Interior appropriation bill, Fy 71
 bill amending DC Cooperative Association Act
Rep. Zwach inserted figures comparing June 1970, June 1969, and Jan. 1969 parity.

HOUSE

1. AGRICULTURE COMMITTEE ACTION. Reported ~~the following bills:~~
HR 11953, granting authority for FS to contract for aerial facilities (H. Rept. No. 91-1295)
S. 2484, authorizing marketing agreements providing for the advertising of papayas (H. Rept. No. 91-1296). p. H6653
2. APPROPRIATIONS. Disagreed to Senate amendments to HR 17619, the FY 71 Interior appropriation bill, and appointed conferees. p. H6591
Rep. Brademas urged House support of the Senate figure for REA loan programs. pp. H6637-8
3. COOPERATIVES. Disagreed to Senate amendments to HR 17711, amending the DC Cooperative Association Act, and appointed conferees. p. H6597
4. URBAN RENEWAL. Rep. Cohelan answered criticisms of the urban renewal program by noting that funds are not just used for "big city" programs and stressed the need for conference support of the Senate figure for urban renewal funds. pp. H6630-5

SENATE

5. APPROPRIATIONS. Passed H.R. 16915, FY 1971 Appropriations for the Legislative Branch, adopting all committee amendments and 4 additional amendments, one of which increases funds for the Joint Economic Committee. Conference requested and conferees named. pp. S11145-53
6. DISASTER RELIEF; HOUSING. Sen. Yarborough submitted his Amendment No. 774 to S. 3619, the Omnibus Disaster Assistance Act; the amendment would empower the Small Business Administration with authority to make loans to disaster victims facing foreclosure or cancellation on home mortgage loans. p. S11125
7. MIGRANT WORKERS. Sen. Mondale announced that the Subcommittee on Migratory Labor will resume hearings on July 20 and 21 in Washington, D.C. to "consider the plight of the powerless migrant". p. S11126
8. MEAT PACKER. Sen. Saxbe acknowledged that his report of the closing of the Val Decker Packing Plant was in error, but he repeated his concern for the small packers who face unnecessary hardship due to harsh Federal size and layout requirements. p. S11127
9. FORESTS. Sen. Allott praised Sen. Hatfield's speech on the Forest Economy and Environment, placing the texts of the address and of a proposed bill on reforestation in the Record. p. S11169-73
10. ECONOMY. Sen. Dole hailed a resurgent national economy based on the President's efforts to transform the economy to a stable peacetime equilibrium and inserted articles confirming his statement. pp. S11128-30; S11131-32



AUTHORIZING RENEWAL OF CERTAIN FOREST SERVICE CONTRACTS

JULY 13, 1970.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. POAGE, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany H.R. 11953]

The Committee on Agriculture, to whom was referred the bill (H.R. 11953) to amend section 205 of the act of September 21, 1944 (58 Stat. 736), as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

Aerial facilities and services play a very important role in the protection and management of the national forests, especially in fire control activities. Facilities and materials for mixing and loading fire retardants are essential components of the aerial firefighting activities. Under existing authority, the Forest Service can contract for aircraft and renew those contracts twice without additional advertising; however, there is a question whether the existing authority for renewing contracts for aerial facilities and services extends to the facilities and services for mixing and loading fire retardants and other materials dispensed from aircraft in the protection and management of the national forests. The enactment of this bill would make it clear that such authority does exist. These contracts are currently re-advertised every year.

NEED FOR THE LEGISLATION

Enactment of this bill would benefit the Government in at least eight distinct ways, all of which commend its passage. Possible advantages include:

1. Contractors could expect to amortize their specialized equipment over a longer period which would justify the acquisition and use of

better equipment. This would result in more efficient and reliable services at a lower unit cost.

Under the present program, one of the greatest deterrents in aerial fire control that has been encountered by the Forest Service is the high installation cost of bases (up to \$20,000 per base) to furnish the necessary fire retardant. There is no chance for a bidder to amortize the investment over a period of 1 year.

2. Fire control activities tend to fluctuate from year to year; therefore, H.R. 11953 would allow a contractor to recover his costs over an extended period.

3. The proposed bill would encourage contractor initiative in research and development for both material handling and improvement of retardants.

4. Because retardant mixing work is seasonal, yet requires considerable training, a contractor must recruit and retain qualified personnel. A longer contract period would facilitate this requirement.

5. Working relationships, which are important and necessary, between air tanker contractors, the Forest Service, airport authorities and retardant contractors require time to develop and are extremely difficult to establish under the present 1-year contract method.

6. There are occasional off-season peaks of fire danger which make it desirable to reactivate on short notice retardant bases for short intervals. The current plan provides little stimulus for contractors to accommodate this off-season demand.

7. Handling of aerial operation contracts would be more expeditious and efficient if contracts for the aircraft facilities and services and contracts for the preparation and loading of the materials into the aircraft were subject to the same renewal authority.

8. The Department of Agriculture has stated that most of the material which would be used in connection with the proposed contracting authority is presently available through GSA, it does not contemplate use of proposed authority to contract directly for supplies available through GSA.

Cost

Enactment of this measure will not result in additional costs to the Department of Agriculture's Forest Service in discharging its mission of protecting our national forests. To the contrary, it is believed that the authority to extend contracts for two consecutive 1-year periods may actually result in lower costs because contractors, with the prospect of longer term agreements, will be able to amortize fixed costs over a 3-year period.

HEARINGS

Hearings were held by the subcommittee on forests on June 29, 1970. There was no testimony in opposition to the bill which was unanimously reported by both the subcommittee and the full committee.

DEPARTMENTAL POSITION

The U.S. Department of Agriculture submitted the following report recommending enactment of H.R. 11953:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., January 30, 1970.

HON. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: As requested by your letter of June 13, 1969, here is our report on H.R. 11953, "To amend section 205 of the act of September 21, 1944 (58 Stat. 736), as amended."

The Department of Agriculture recommends the enactment of this bill.

H.R. 11953 would further amend section 205 of the Department of Agriculture Organic Act of 1944 (58 Stat. 736), as amended by the Granger-Thye Act of April 24, 1950 (64 Stat. 82). That section is the authority for the Forest Service to contract for procurement and operation of aerial facilities and services for protecting and managing the national forests. Also provided, is authority to renew any contract for such purpose annually, not more than twice, without additional advertising. This bill would include specifically, within the authority provided under section 205, the procurement at the airbase, of facilities, equipment, materials and the preparation, mixing and loading into aircraft.

Aerial facilities and services play a very important role in the protection and management of the national forests, particularly in fire control activities. Facilities and materials for mixing and loading fire retardants are essential components of the aerial firefighting activities. Under existing authority, the Forest Service can contract for air tankers and other aircraft and renew those contracts twice without additional advertising. This authority has been very helpful in assuring the availability of suitable and safe aircraft for fire control and other activities.

There is serious question whether the existing authority for renewing contracts for aerial facilities and services extends to the facilities and services for mixing and loading fire retardants and other materials dispensed from aircraft in the protection and management of the national forests. The authority has not been so applied. The enactment of this bill would make it clear that such authority does exist. Contracts for mixing and loading, which are an integral and essential part of such operations, are presently readvertised each year. If we could renew those annual contracts twice, as we can those for aircraft facilities and services, the contractors could expect to amortize their specialized equipment over a longer period. We believe this would justify contractor acquisition and use of better equipment and provision of standby equipment and spare parts with the benefit to the Government of more efficient and reliable services at a lower unit cost.

Also, from an administrative standpoint, handling of aerial operation contracts could be more expeditious and efficient if contracts for the aircraft facilities and services and contracts for the preparation and loading of the materials they carry were both subject to the same renewal authority.

Most of the material which would be used in connection with the proposed contracting authority is presently available through GSA. We do not contemplate use of proposed authority to contract directly for those supplies available through GSA.

1 rials and the preparation, mixing and loading into aircraft,
 2 with authority to renew any contract for such purpose
 3 annually, not more than twice, without additional
 4 advertising.”

91ST CONGRESS
2D SESSION**H. R. 11953**

[Report No. 91-1295]

A BILL

To amend section 205 of the Act of September 21, 1944 (58 Stat. 736), as amended.

By Mr. RHODES, Mr. TEAGUE of California, and
 Mr. KYL.

JUNE 9, 1969

Referred to the Committee on Agriculture

JULY 13, 1970

Committed to the Committee of the Whole House on
 the State of the Union and ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
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For actions of July 20, 1970
91st-2nd; No. 122

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HIGHLIGHTS: Sen. Mansfield stated that the Department's position against inspection of all imported meat is "indefensible".
Sen. Percy put 1970 soybean sales at \$2.7 billion but fears U.S. trade policy may threaten 1971 market.
House passed bills:
 extending Toiyabe National Forest boundaries;
 revising Federal Aid in Fish and Wildlife Restoration Acts;
 granting authority for FS to contract for aerial facilities.
House Rules Committee granted rule for consideration of extension of wheat referendum.

SENATE

1. MEAT INSPECTION; IMPORTS. Sen. Mansfield underscored the need for legislation to require inspection of all imported livestock products and called "indefensible" the Department's unfavorable report on S. 3942 & S. 3987, to require inspection of imported livestock products; he inserted the text of S. 3942 and his testimony thereon, and the Department's legislative report, in the Record. pp. S11709-710
2. SOYBEANS. Sen. Percy reviewed his efforts to enhance the marketability of soybeans in the world market, stating that 1970 will be a \$2.7 billion sales year; U.S. trade policy may threaten the 1971 market and for this reason the Senator opposes absolute quotas on foreign imports. pp. S11761-62
3. SCHOOL LUNCH. Sen. McGovern praised the recommendations of the workshop conference sponsored by the Children's Foundation of Washington and placed in the Record the text of the conference report and a copy of his cover letter to Secretary Hardin. pp. S11730-1
4. JOINT ECONOMIC COMMITTEE. Sen. Percy stated that the 1971 budget deficit may approach \$6-10 billion, thus requiring increased revenues; and placed in the Record the Joint Economic Committee testimony of Chairman McCracken and Director Shultz. pp. S11762-68

HOUSE

5. BILLS PASSED.

S. 3279, with committee amendment, extending the boundaries of Toiyabe National Forest. Rep. Schmitz spoke in opposition, stating "the reasons given for making this purchase do not, in my opinion, justify it." pp. H6922-3, H6946
HR 12475, revising the Federal Aid in Fish and Wildlife Restoration Acts. pp. H6923-7

HR 11953, granting authority for FS to contract for aerial facilities. p. H6904

HR 10837, conveying land to Pima and Maricopa Counties, Ariz., and to the city of Albuquerque, for recreational purposes. pp. H6901-3

HR 18253, increasing availability of guaranteed home loan financing for veterans and the income of the national service life insurance fund. pp. H6910-8

HR 14114, to improve the administration of the national park system. pp. H6919-22

S. 3102, amended, extending the term for fisheries loans. pp. H6927-9

6. RULES GRANTED.

H. Res. 1148, providing an open rule for the consideration of S. 3978, extending the date for the wheat referendum, was reported by the House Rules Committee. It was later announced this bill would be added to the program for Tuesday, July 21. pp. H6963, H6910

Mr. GROSS. I think the gentleman would have to agree with me that they are getting this land at bargain prices, based on the 1926 price of \$2.60 per acre.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 10837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the acreage limitation in section 1(b) of the Act of June 14, 1926 (44 Stat. 741), as amended (43 U.S.C. 869(b)), the Secretary of the Interior may convey to Pima County or Maricopa County, Arizona, or to the city of Albuquerque, New Mexico, for recreational purposes in accordance with the other provisions of that Act, all or any part of the lands that were under lease to such county or city on January 1, 1969.

With the following committee amendment:

Page 1, following line 10, add a new section 2 as follows:

SEC. 2. Notwithstanding the limitation in Section 2 of the said Act of June 14, 1926, as amended (43 U.S.C. 689-1), with respect to the location of the land, the Secretary of the Interior may convey to Maricopa County for the purpose of establishing and maintaining the Lake Carl Pleasant Regional Park, in accordance with the other provisions of that Act, the following described lands in Yavapai County:

Township 7 north, range 1 west, section 25, southeast quarter, 160 acres,

Township 6 north, range 1 east, section 5, north half southwest quarter, southeast quarter, southwest quarter, and southwest quarter southeast quarter; 160 acres; section 8, those portions of the east half northwest quarter and the west half northeast quarter which lie in Yavapai County, about 24.60 acres.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF THE INTERIOR TO CONVEY LANDS IN NEW MEXICO TO CUBA INDEPENDENT SCHOOLS AND VILLAGE OF CUBA

The Clerk called the bill (S. 417) to authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and to the village of Cuba.

There being no objection, the Clerk read the bill as follows:

S. 417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey to the Cuba Independent Schools, District 20, Sandoval County, Cuba, New Mexico under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869-869-4) the following lands: Township 21 north, range 1 west, New Mexico principal meridian, section 21, lots 4, 5, and 6; section 28, northeast quarter northeast quarter and lot 1;

SEC. 2. The Secretary of the Interior is authorized to convey to the Village of Cuba, Sandoval County, Cuba, New Mexico, under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869-869-4) the following lands:

Township 21 north, range 1 west, New Mexico principal meridian, section 22, north-west quarter southwest quarter.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the proposal before us today, S. 417, would permit a school district in New Mexico and an adjoining village to purchase, under the provisions of the Recreation and Public Purposes Act, certain lands now held by the Federal Government. The Recreation and Public Purposes Act permits public lands to be sold at reduced prices if used for certain specific public purposes. However, these lands are not public lands within the meaning of that act as they were acquired by the Federal Government under the Bankhead-Jones Farm Tenant Act.

Originally, the Department of Agriculture, and subsequently the Department of the Interior, issued a special land use permit to the Cuba Independent School District for the use of these lands. The school district now has a capital investment of over \$800,000 on the land and wishes to make additional capital investment in buildings and other facilities. However, before making any further investment of public funds on improvements on land that it does not own, the school district wishes to obtain title to the land. The village of Cuba wishes to develop a park and a recreation facility on some of the land.

S. 417 would authorize the conveyance of 185.99 acres to the school district for school purposes and 40 acres to the village of Cuba for a park.

The lands would be sold at a reduced price because they would be used for public purposes.

Present authority does not permit the disposal of these lands except through exchange; therefore, enactment of S. 417 is necessary to permit purchase by the school district and the village.

The lands are not valuable for minerals and are not needed for any Federal program. The highest and best use of these lands is for school and recreational purposes, and enactment of S. 417 would permit this use with assurance to the school district that its very substantial investment would be protected.

The bill was ordered to be read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

PROVIDING THAT THE SECRETARY OF TRANSPORTATION BE A MEMBER OF THE NATIONAL AERONAUTICS AND SPACE COUNCIL

The Clerk called the bill (H.R. 16539) to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone in connection with this bill the real purpose of it?

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. The Department of Transportation was not established until 1966. The National Aeronautics and Space Council came into existence in 1958, with the passage of the National Aeronautics and Space Act. Therefore, the Secretary of Transportation, of course, has not been a regular member of the Council because of the fact that the Department was not established until 1966. However, he has actively participated as an invited member of the Council.

There are increasing activities in the field of civil aviation which are pertinent to the functions of the National Aeronautics and Space Council, which require the Secretary of Transportation at present to be an invited member to sit with the Council. This legislation merely formalizes a procedure which is already going on.

Mr. GROSS. The main transportation activity of the National Aeronautics and Space Administration seems to be trips to the moon. What can the Secretary of Transportation contribute to that? Apparently he is having difficulty keeping surface transportation going without indulging in any kind of consultation over trips to the moon.

More importantly, is this going to require an additional staff for the Secretary of Transportation?

Mr. HECHLER of West Virginia. This will not require any additional staff or any additional cost, I would advise my friend from Iowa.

I might also add, with respect to what the gentleman observed, that the National Aeronautics and Space Council deals with aeronautics as well as space. It is in the growing area of responsibility for aeronautics that the Secretary of Transportation's legal presence on the Council would be of considerable value.

Mr. William Anders, Executive Secretary of the National Aeronautics and Space Council, indicated in testimony before our committee that he plans to put increasing stress on aeronautics in the activities of the Council. It would be extremely valuable and in fact necessary for the Secretary of Transportation to be present at these discussions.

Mr. GROSS. To sum this up, would the gentleman say that the Secretary of Transportation is being put on the National Aeronautics and Space Council simply to satisfy the ego of one Cabinet member who has been somehow left out up to this point?

Mr. HECHLER of West Virginia. Absolutely not. He has been sitting on the Council.

Mr. GROSS. In a consultative capacity?

Mr. HECHLER of West Virginia. That is correct, as a nonstatutory member.

This merely gives legal and formal authority for what is now being done on an informal basis.

Mr. GROSS. I am glad this does more than merely satisfy his ego.

Mr. Speaker, I withdraw my reservation.

Mr. HECHLER of West Virginia. Mr. Speaker, a few minutes ago someone facetiously remarked that perhaps the real reason the Secretary of Transportation was being placed on the National Aeronautics and Space Council was so that he could sell tickets to the moon. I dare say that when the Wright brothers made their historic flight at Kitty Hawk, N.C., in 1903, if anyone had suggested at that time that tickets would one day be sold on airplanes, he would have been laughed out of court. Seriously, I have been disturbed for some time that the first "A" in NASA—aeronautics—has not been accorded the attention which it deserves. The Subcommittee on Advanced Research and Technology, which I chair, has held a series of hearings in 1968 and 1969 on the subject of aeronautical research and development. We are concerned that this vital area receive increased attention.

This legislation has nothing to do with anybody's ego, but it is in fact a necessity that as the National Aeronautics and Space Council gets increasingly involved in civil aviation, the Secretary of Transportation should have a voice in the deliberations. The Council now consists of the Vice President of the United States, who serves as Chairman; the Secretary of Defense, Secretary of State, Administrator of the National Aeronautics and Space Administration, and Chairman of the Atomic Energy Commission. The Council advises the President on aeronautics and space programs, assists the President with respect to the policies and performance of aeronautics and space activities, designates and fixes responsibilities and helps in the coordination of aeronautical and space programs, resolves differences among agencies and provides for effective leadership and cooperation among the agencies responsible in these fields. The staff of the Council, led by its hard-working Executive Secretary, the Honorable William A. Anders, is very small, and consists of only 18 members. We hope they can obtain additional staff to assist in the area of aeronautics. I believe it would be very helpful to empower the Secretary of Transportation to become a statutory member of the National Aeronautics and Space Council.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 16539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2471(a)) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) the Secretary of Transportation;".

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD.)

[Mr. HECHLER of West Virginia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING RENEWAL OF CERTAIN FOREST SERVICE CONTRACTS

The Clerk called the bill (H.R. 11953) to amend section 205 of the Act of September 21, 1944 (58 Stat. 736), as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I fully well understand that the primary thrust of this legislation is to simply clear an uncertainty in the law. My only question is, will this in perpetuity eliminate competitive bidding?

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to my colleague from California.

Mr. TEAGUE of California. It is certainly not intended to accomplish that purpose at all. It is merely to allow the Forest Service to contract for fighting fires by means of the use of chemicals dispensed from airplanes; to extend what it is doing now with planes, to chemical plants on the ground.

Mr. HALL. I thank the gentleman, and Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 11953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 of the Department of Agriculture Organic Act of 1944, approved September 21, 1944 (58 Stat. 736), as amended by the Act of April 24, 1950 (64 Stat. 82), is hereby further amended to read as follows:

"SEC. 205. The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests and other lands administered by it, including the furnishing, at the airbase, of facilities, equipment, materials and the preparation, mixing and loading into aircraft, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising."

The bill was ordered to be engrossed and read the third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

CONFERENCE REPORT ON S. 3685, EMERGENCY HOME FINANCE ACT OF 1970

Mr. PATMAN submitted the following conference report (H. Rept. No. 91-1311) and statement on the bill (S. 3685), to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1311)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3685) to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Emergency Home Finance Act of 1970".

TITLE I—REDUCTION OF INTEREST CHARGES FOR MEMBERS OF THE FEDERAL HOME LOAN BANK SYSTEM

SEC. 101. (a). There is authorized to be appropriated not to exceed \$250,000,000, without fiscal year limitation, to be used by the Federal Home Loan Bank Board for disbursement to Federal home loan banks for the purpose of adjusting the effective interest charged by such banks on short-term and long-term borrowing to promote an orderly flow of funds into residential construction. The disbursement of sums appropriated hereunder shall be made under such terms and conditions as may be prescribed by the Board to assure that such sums are used to assist in the provision of housing for low- and middle-income families, and that such families share fully in the benefits resulting from the disbursement of such sums. No member of a Federal home loan bank shall use funds the interest charges on which have been adjusted pursuant to the provisions of this section to make any loan, if—

(1) the effective rate of interest on such loan exceeds the effective rate of interest on such funds payable by such member by a percentile amount which is in excess of such amount as the Board determines to be appropriate in furtherance of the purposes of this section; or

(2) the principal obligation of any such loan which is secured by a mortgage on a residential structure exceeds the dollar limitations on the maximum mortgage amount, in effect on the date the mortgage was originated, which would be applicable if the mortgage was insured by the Secretary of Housing and Urban Development under section 203(b) or 207 of the National Housing Act.

(b) Not more than 20 per centum of the sums appropriated pursuant to subsection (a) shall be disbursed in any one Federal home loan bank district.

TITLE II—AUTHORITY FOR THE FEDERAL NATIONAL MORTGAGE ASSOCIATION TO PROVIDE A SECONDARY MARKET FOR CONVENTIONAL MORTGAGES

SEC. 201. (a) Section 302(b) of the National Housing Act is amended—

(1) by inserting "(1)" immediately following "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) For the purposes set forth in section 301(a), and with the approval of the Secretary of Housing and Urban Development, the corporation is authorized, pursuant to commitments or otherwise, to purchase, service, sell, lend on the security of, or otherwise deal in mortgages which are not insured or guaranteed as provided in paragraph (1) (such mortgages referred to hereinafter as 'conventional mortgages'). No such purchase of a conventional mortgage shall be made if the outstanding principal balance of the mortgage at the time of purchase exceeds 75 per centum of the value of the property securing the mortgage, unless (A) the seller retains a participation of not less than 10

91ST CONGRESS
2D SESSION

H. R. 11953

IN THE SENATE OF THE UNITED STATES

JULY 21, 1970

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To amend section 205 of the Act of September 21, 1944 (58 Stat. 736), as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 205 of the Department of Agriculture Organic
4 Act of 1944, approved September 21, 1944 (58 Stat. 736),
5 as amended by the Act of April 24, 1950 (64 Stat. 82),
6 is hereby further amended to read as follows:

7 “SEC. 205. The Forest Service by contract or otherwise
8 may provide for procurement and operation of aerial facili-
9 ties and services for the protection and management of the
10 national forests and other lands administered by it, including
11 the furnishing, at the airbase, of facilities, equipment, mate-

1 rials and the preparation, mixing and loading into aircraft,
2 with authority to renew any contract for such purpose
3 annually, not more than twice, without additional
4 advertising.”

Passed the House of Representatives July 20, 1970.

Attest:

W. PAT JENNINGS,

Clerk.

91ST CONGRESS
2D SESSION

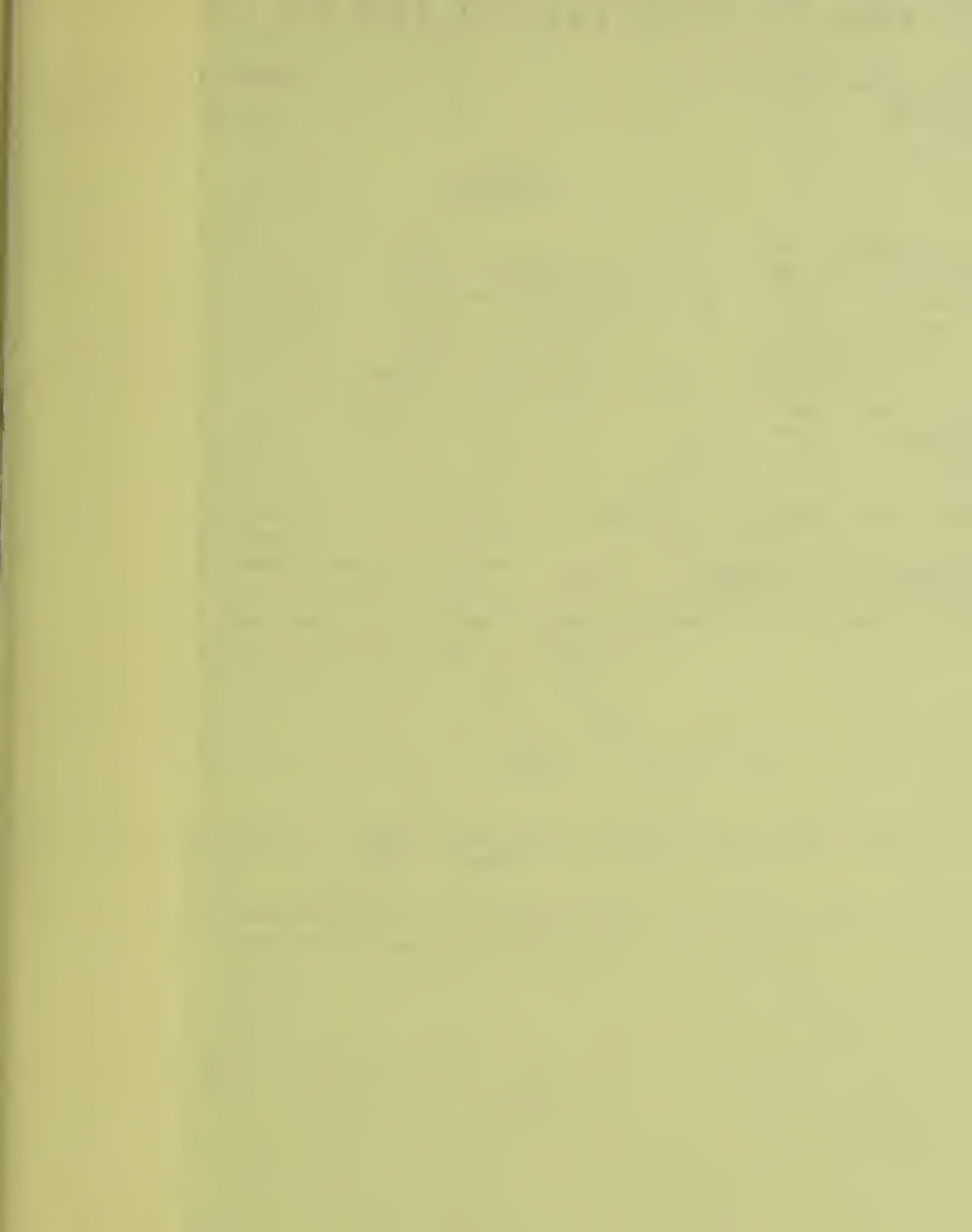
H. R. 11953

AN ACT

To amend section 205 of the Act of September 21, 1944 (58 Stat. 736), as amended.

JULY 21, 1970

Read twice and referred to the Committee on
Agriculture and Forestry



DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of September 16, 1970
91st-2nd; No. 161

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HIGHLIGHTS: Senate passed bills authorizing geothermal resources development and establishing a national lakeshore at Lake Tahoe.
Senate committee voted to report bills re inspection of imported livestock products, clarifying ^{F.S. authority} aerial, wheat research, and promotion program, and authorizing marketing orders for almonds.
House appointed conferees on farm bill.

HOUSE

1. FARM BILL. Disagreed to Senate amendment to H.R. 18546, the proposed Agriculture Act of 1970, and appointed conferees. p. H8786
2. APPROPRIATIONS. Agreed to the conference report on H.R. 16900, the FY 71 Treasury-Post Office appropriation bill. pp. H8788-94

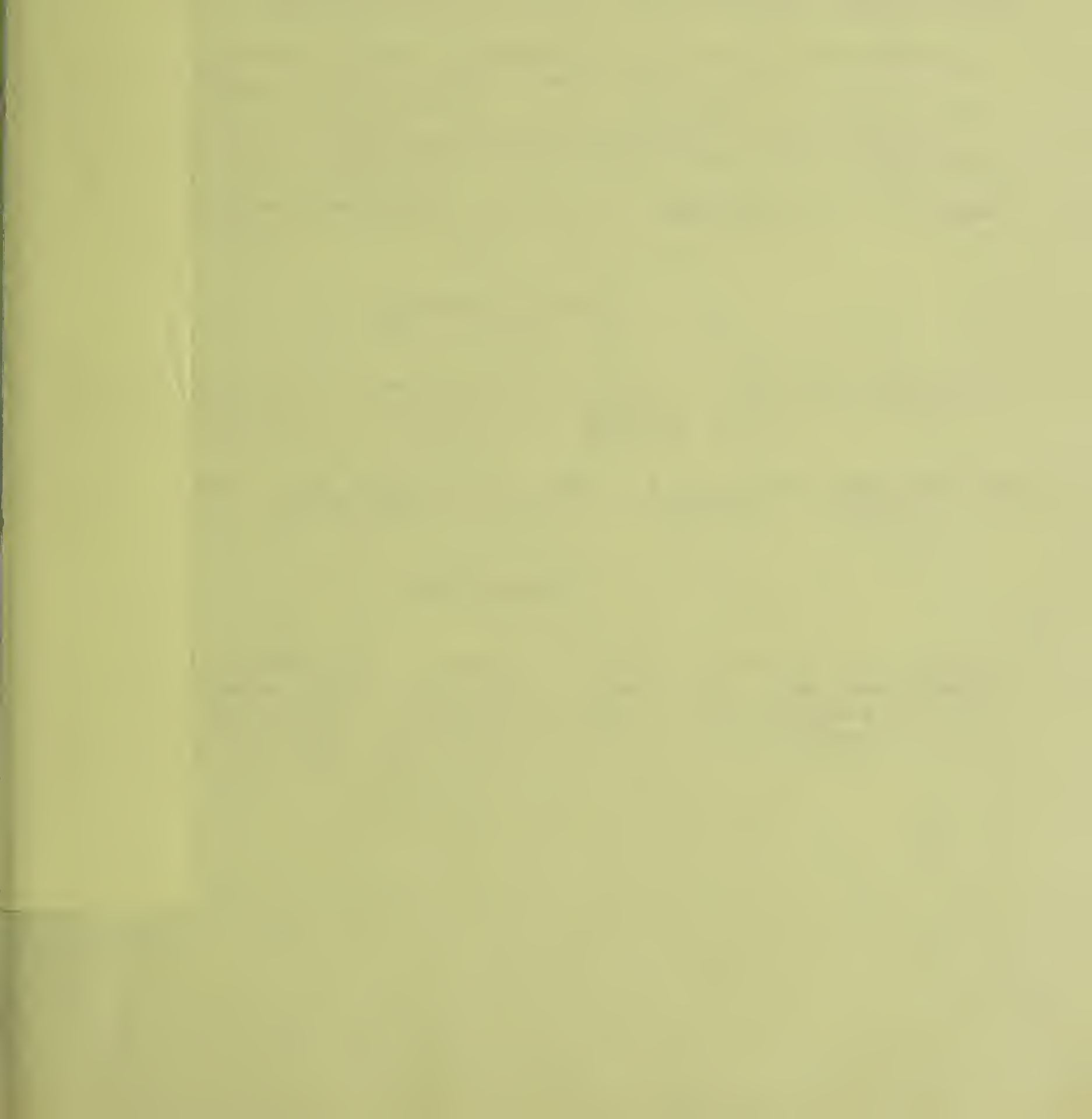
3. OUTLAYS. Received a letter from OMB transmitting a report for the period ended August 31, 1970, on the operation of section 501 of the Second Supplemental Appropriations Act, 1970, establishing a limitation on budget outlays (H. Doc. 91-388); to the Committee on Appropriations. p. H8857

SENATE

4. FARM BILL. Sen. Mansfield thanked Sen. Aiken for his effort in effecting passage of the proposed Agricultural Act of 1971 stating that "No member of this body has better served to satisfy the agricultural needs of this country".
p. S15641
5. DISASTER RELIEF. Sen. Tower reported on Federal assistance to Texas disaster victims, placing in the Record the report of the Office of Emergency Preparedness which praises the Department of Agriculture for distributing 68 tons of food to the victims. pp. S15609-10
6. GEOTHERMAL STEAM; LAKE TAHOE. Passed with committee amendment in the nature of a substitute S.368 re use of geothermal resources underlying certain of the public domain lands; and agreed to the House amendment of S. 2208, to authorize a study concerning establishment of Lake Tahoe as a national lakeshore, permitting the bill now to go to the President. pp. S15758-62; S15762
7. ~~MEAT IMPORTS; FOREST SERVICE; WHEAT RESEARCH; ALMONDS.~~ The Committee on Agriculture and Forestry ordered ~~the following bills~~ favorably reported (but did not actually report):
~~S. 3942, to provide for inspection of imported meat;~~
HR 11953, to clarify aerial facilities authority of the Forest Service;
HR 13543, to authorize program of research and promotion of markets for wheat; and
HR 13978, to make marketing orders applicable to almonds.
p. D1007

BILLS INTRODUCED

8. MEAT INSPECTION. H.R. 19233, by Rep. Hansen of Idaho, to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products; to the Committee on Agriculture. Remarks of author, pp. H8848-9



Sept. 17, 1970

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SENATE

11. FOREIGN TRADE. Sen. Long attacked official misstatements about our real foreign trade position stating that the public has been misled into believing that we have a "favorable balance of trade"; he placed charts and a report in the Record which reflect the loss of domestic employment due to imports. pp. S15808-13
12. AGRICULTURAL EXPORTS. Sen. Dole noted that the Japanese had more than doubled their purchase of U.S. agricultural products in the past ten years to become our first billion dollar market and he submitted the Feed & Grain Association speeches by Secretary Hardin and the Japanese Ambassador-designate for the Record. pp. S15850-51
13. BILLS REPORTED. Committee on Agriculture and Forestry reported ~~the following bills:-~~
 - ~~S. 3942, without amendment, providing for inspection of all livestock products imported into the United States (S. Rept. 91-1195);~~
 - ~~H.R. 11953, without amendment, clarifying contractual authority of the FS relating to certain aerial facilities and services (S. Rept. 91-1202);~~
 - ~~H.R. 13543, without amendment, authorizing a wheat research and promotion program (S. Rept. 91-1203); and~~
 - ~~H.R. 13978, with amendments, providing for marketing orders for almonds (S. Rept. 91-1204). p. S15793~~

EXTENSION OF REMARKS

14. NUTRITION. Rep. Wolff placed in the Record several statements obtained during recent hearings on "Fad Diets", noting the need to crack down on unhealthy and dangerous diets and food myths. pp. E8227-31, E8266-71
15. FEDERAL EMPLOYEES. Rep. Mikva discussed his bill to amend the 'Hatch Act', to allow greater political freedoms for federal employees. pp. E8242-3

BILLS INTRODUCED

16. TAXATION. H.R. 19276, by Rep. Crane, to amend the Internal Revenue Code of 1954 to increase from \$625 to \$1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

17. FOOD-GRADING. H.R. 19285, by Rep. Lowenstein, to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.
18. FIFRA. H.R. 19316, by Rep. White, to amend the Federal Insecticide, Fungicide and Rodenticide Act, so as to prohibit the distribution, sale, or offer for sale of the element mercury, or chemical compounds containing mercury, for use in insecticides, fungicides, and rodenticides; to the Committee on Agriculture.
19. FLOOD CONTROL. H.R. 19336, by Rep. DeLaGarza, authorizes the Secretary of Agriculture to carry out a program for flood prevention and other purposes in the Lower Rio Grande Basin, Tex., to enhance and stabilize the agricultural economy of the area; to the Committee on Agriculture.
20. AGRICULTURAL ASSOCIATIONS. H.R. 19343, by Rep. Thompson of New Jersey, to create a National Agricultural Bargaining Board, to provide standards for the accreditation of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

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COMMITTEE HEARINGS ANNOUNCEMENTS:

- SEPT. 18: Nutritional policy, Dem. Study Group (Leverton, ARS, to testify)
Prohibition of no deposit, no return containers, H. Interstate and Foreign Commerce
- SEPT. 22: Repeal of Naval Stores Act, H. Agriculture (Grange, C&MS, to testify)
- SEPT. 24: Nutritional services for elderly, H. Education & Labor (Lyng to testify)
- SEPT. 28: Emergency loans to milk farmers, S. Agriculture (Frost, FHA, to testify)
- SEPT. 29: Substantive changes in pesticides administration, S. Commerce (Irving and Mulhern, ARS, to testify)

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RENEWAL OF CERTAIN FOREST SERVICE CONTRACTS WITHOUT ADVERTISING

SEPTEMBER 17, 1970.—Ordered to be printed

Mr. EASTLAND, from the Committee on Agriculture and Forestry;
submitted the following

REPORT

[To accompany H.R. 11953]

The Committee on Agriculture and Forestry, to which was referred the bill (H.R. 11953) to amend section 205 of the act of September 21, 1944 (58 Stat. 736), as amended, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

This bill would permit the Forest Service to renew certain annual contracts twice without additional advertising.

At present the Forest Service has such authority with respect to procurement of aerial facilities and services for the protection of the national forests. The bill would (1) extend this authority to similar contracts with respect to other lands administered by the Forest Service, and (2) make it clear that it covers contracts for the furnishing at the airbase of facilities, equipment, and materials and the preparation, mixing and loading into aircraft.

The Department of Agriculture recommends enactment and advises that it will result in more efficient and reliable services at a lower unit cost. The Department's letter is as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., January 30, 1970.

Hon. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: As requested by your letter of June 13, 1969, here is our report on H.R. 11953, "To amend section 205 of the act of September 21, 1944 (58 Stat. 736), as amended."

The Department of Agriculture recommends the enactment of this bill.

H.R. 11953 would further amend section 205 of the Department of Agriculture Organic Act of 1944 (58 Stat. 736), as amended by the Granger-Thye Act of April 24, 1950 (64 Stat. 82). That section is the authority for the Forest Service to contract for procurement and operation of aerial facilities and services for protecting and managing the national forests. Also provided, is authority to renew any contract for such purpose annually, not more than twice, without additional advertising. This bill would include specifically, within the authority provided under section 205, the procurement at the airbase, of facilities, equipment, materials and the preparation, mixing and loading into aircraft.

Aerial facilities and services play a very important role in the protection and management of the national forests, particularly in fire control activities. Facilities and materials for mixing and loading fire retardants are essential components of the aerial firefighting activities. Under existing authority, the Forest Service can contract for air tankers and other aircraft and renew those contracts twice without additional advertising. This authority has been very helpful in assuring the availability of suitable and safe aircraft for fire control and other activities.

There is serious question whether the existing authority for renewing contracts for aerial facilities and services extends to the facilities and services for mixing and loading fire retardants and other materials dispensed from aircraft in the protection and management of the national forests. The authority has not been so applied. The enactment of this bill would make it clear that such authority does exist. Contracts for mixing and loading, which are an integral and essential part of such operations, are presently readvertised each year. If we could renew those annual contracts twice, as we can those for aircraft facilities and services, the contractors could expect to amortize their specialized equipment over a longer period. We believe this would justify contractor acquisition and use of better equipment and provision of standby equipment and spare parts with the benefit to the Government of more efficient and reliable services at a lower unit cost.

Also, from an administrative standpoint, handling of aerial operation contracts could be more expeditious and efficient if contracts for the aircraft facilities and services and contracts for the preparation and loading of the materials they carry were both subject to the same renewal authority.

Most of the material which would be used in connection with the proposed contracting authority is presently available through GSA. We do not contemplate use of proposed authority to contract directly for those supplies available through GSA.

The Bureau of the Budget advises that it has no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

DEPARTMENT OF AGRICULTURE ORGANIC ACT OF 1944

* * * * * *

SEC. 205. The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests *and other lands administered by it, including the furnishing, at the airbase, of facilities, equipment, materials and the preparation, mixing and loading into aircraft,* with authority to renew any contract for such purposes annually, not more than twice, without additional advertising.

○

Calendar No. 1221

91ST CONGRESS
2^D SESSION

H. R. 11953

[Report No. 91-1202]

IN THE SENATE OF THE UNITED STATES

JULY 21, 1970

Read twice and referred to the Committee on Agriculture and Forestry

SEPTEMBER 17, 1970

Reported by Mr. EASTLAND, without amendment

AN ACT

To amend section 205 of the Act of September 21, 1944 (58 Stat. 736), as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 205 of the Department of Agriculture Organic
4 Act of 1944, approved September 21, 1944 (58 Stat. 736),
5 as amended by the Act of April 24, 1950 (64 Stat. 82),
6 is hereby further amended to read as follows:

7 “SEC. 205. The Forest Service by contract or otherwise
8 may provide for procurement and operation of aerial facili-
9 ties and services for the protection and management of the
10 national forests and other lands administered by it, including
11 the furnishing, at the airbase, of facilities, equipment, mate-

1 rials and the preparation, mixing and loading into aircraft,
 2 with authority to renew any contract for such purpose
 3 annually, not more than twice, without additional
 4 advertising.”

Passed the House of Representatives July 20, 1970.

Attest:

W. PAT JENNINGS,

Clerk.

Calendar No. 1221

91ST CONGRESS
2^D SESSION

H. R. 11953

[Report No. 91-1202]

AN ACT

To amend section 205 of the Act of September 21, 1944 (58 Stat. 736), as amended.

JULY 21, 1970

Read twice and referred to the Committee on
Agriculture and Forestry

SEPTEMBER 17, 1970

Reported without amendment

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of September 21, 1970
91st-2nd; No. 164

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	Markets for wheat.....1	Wheat.....1
	Mercury Pollution.....8	Wilderness.....6

HIGHLIGHTS: Senate passed bills authorizing wheat research program; relating to aerial facilities of Forest Service; providing for imported meat inspection; and providing for marketing orders for almonds.

Sen. Williams Del., inserted article critical of Assistant Secretary Robertson.

House passed bills authorizing lease and transfer of burley tobacco acreage allotments; designating certain lands as wilderness; and allowing for purchase of additional systems for motor vehicles above statutory limitation.

Rep. Perkins inserted questionnaire results noting need for adequate funding of school lunch program.

SENATE

1. FOREST SERVICE; WHEAT. Passed without amendment and cleared for the President the following bills: HR 11953, to clarify contractual authority of the Forest Service relating to certain aerial facilities and services; and HR 13543, to authorize a program of research and promotion in order to expand markets for wheat.
pp. S16016-17

pp. S16016-17

2. ALMONDS; IMPORTED MEAT. Passed with amendment the following bills: HR 13978, to make marketing orders under the Agricultural Marketing Agreement Act applicable to almonds; and S. 3942 to provide for inspection of all livestock products imported into the U.S. pp. S16016, S16071-6
3. PESTICIDES. Both Houses received a resolution of the Legislature of the State of California requesting that the Congress and the Secretary of Agriculture "provide a federal program for the safe and efficient disposal of unwanted environmentally harmful pesticides"; to the Committees on Agriculture. pp. S16023, H9017
4. ELECTRIFICATION. Received a letter from the Administrator, REA, reporting the approval of a loan to M.&A. Electric Power Cooperative of Poplar Bluff, Mo.; to the Committee on Appropriations. p. S16023
5. ASST. SECTY. ROBERTSON. Sen. Williams (Delaware) stated that "the man who approved the appointment of convicted promoter Billie Sol Estes.....continued to hold his \$36,000 job with the Department of Agriculture" and he placed in the Record a newspaper article critical of the Assistant Secretary. pp. S16038-39

HOUSE

6. BILLS PASSED.

Cleared for the White House:

S. 406, permitting the rotation of certain property whenever its remaining storage life is too short to justify its retention, p. H8940;

S. 3777, authorizing the entering into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts, pp. H8952-3; and

S. 2763, allowing the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitations. pp. H8955-9

Sent to the Senate:

H.R. 18686, with amendment, authorizing the lease and transfer of burley tobacco acreage allotments, p. H8941;

S. 3014 (in lieu of H.R. 19007), amended, designating certain lands as wilderness, pp. H8941-50;

S. 719, amended, establishing a national mining and minerals policy, pp. H8950-2;

H.R. 12870, providing for the establishment of the King Range National Conservation area, California, pp. H8982-5

of such leave, if any, that is in excess of the sum of (1) two hundred and forty hours and (2) the number of hours that have accrued to the credit of the transferring officer during the calendar year then current and which remain unused, shall thereafter remain to his credit until used, and shall be reduced in the manner prescribed by subsection (c) of section 6304 of title 5, United States Code.

TRAVEL AND TRANSPORTATION EXPENSES INCIDENT TO TRANSFER

SEC. 5. A transferring officer who is required to change his official station as a result of his transfer under this Act shall be paid such travel, transportation, and related expenses and allowances, as would be provided pursuant to subchapter II of chapter 57 of title 5, United States Code, in the case of a civilian employee so transferred in the interest of the Government. Such officer shall not (either at the time of such transfer or upon a subsequent separation from the competitive service) be deemed to have separated from, or changed permanent station within, a uniformed service for purposes of section 404 of title 37, United States Code.

LIFE INSURANCE OF TRANSFERRING OFFICER

SEC. 6. Each transferring officer who prior to January 1, 1958, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under chapter 87 of title 5, United States Code, upon his transfer to the Environmental Protection Agency regardless of age and insurability.

RETIREMENT CREDITS OF TRANSFERRING OFFICER; DEPOSIT IN CIVIL SERVICE RETIREMENT AND DISABILITY FUND

SEC. 7. (a) (1) Effective as of the date a transferring officer acquires competitive status as an employee of the Agency, there shall be considered as the civilian service of such officer for all purposes of chapter 83, title 5, United States Code, (A) his active service as defined by section 211(d) of the Public Health Service Act, and (B) any period for which he would have been entitled, upon his retirement as a commissioned officer of the Public Health Service, to receive retired pay pursuant to section 211(a)(4)(B) of such Act; however, no transferring officer may become entitled to benefits under both subchapter III of such chapter and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one such law to secure credit under the other.

(2) A transferring officer on whose behalf a deposit is required to be made by subsection (b) and who, after transfer to a competitive position in the Agency under section 2, is separated from Federal service or transfers to a position not covered by subchapter III of chapter 83 of title 5, United States Code, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under section 2, to a position covered by another Government staff retirement system under which credit is allowable for service with respect to which a deposit is required under subsection (b), no credit shall be allowed under such subchapter III with respect to such service.

(b) (1) The Secretary shall deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, on behalf of and to the credit of such transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement under subsection (a)

(1), had such service been service as an employee as defined in section 8331(1) of title 5, United States Code. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of each of the amounts described in section 3(a) which were received by, or accrued to the benefit of, such officer during the year so credited.

(2) The deposits which the Secretary is required to make under this subsection with respect to any transferring officer shall be made within two years after the date of his transfer as provided in section 2, and the amounts due under this subsection shall include interest computed from the period of service credited to the date of payment in accordance with section 8334(e) of title 5, United States Code.

ASSIGNMENT OF PUBLIC HEALTH SERVICE OFFICERS TO THE ENVIRONMENTAL PROTECTION AGENCY

SEC. 8. (a) A commissioned officer of the Public Health Service who, upon the day before the effective date of the plan, is on active service therewith primarily assigned to the performance of functions described in section 2(a)(1), shall, while he remains in active service, as defined by section 211(d) of the Public Health Service Act, be assigned to the performance of duties with the Agency, except as the Secretary and the Administrator may jointly otherwise provide.

(b) Paragraph (2) of section 6(a) of the Military Selective Service Act of 1967 (50 U.S.C. App. 456(a)(2)) is amended by inserting "the Environmental Protection Agency," after "Department of Justice."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1190), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT AND JUSTIFICATION

On July 9, 1970, President Nixon sent reorganization Plan No. 3 to the Congress for consideration. This plan establishes the Environmental Protection Agency. Transferred to this new executive agency were the functions of a number of Federal offices involved in antipollution activities. Among them are the Federal Water Quality Administration; the National Air Pollution Control Administration; the Environmental Control Administration with its Bureau of Solid Waste Management; the Bureau of Water Hygiene; and, the Bureau of Radiological Health.

When Reorganization Plan No. 3 goes into effect, the pollution control effort of the Federal Government will be centralized in the Environmental Protection Agency.

Approximately 600 commissioned officers of the Public Health Service are now performing functions which would be transferred from the Department of Health, Education, and Welfare to the new Environmental Protection Agency. Most of these PHS officers are technicians and are experienced in the fight against environmental pollution.

The administration sees the need for their continuing to work in the field of pollution control and urges that these Public Health Service officers be allowed to transfer to the new Environmental Protection Agency and encouraged to do so. However, under present law these officers cannot transfer directly to Federal civilian positions.

This legislation would authorize those Public Health Service commissioned officers performing functions being transferred under the reorganization plan, or materially related to functions being transferred, to elect to acquire a competitive status and be transferred to a competitive position in the Environmental Protection Agency.

AGENCY VIEWS

Following are reports from the Honorable Elliot L. Richardson, Secretary of the Department of Health, Education, and Welfare; the Honorable Robert E. Hampton, Chairman of the U.S. Civil Service Commission; and, Mr. Wilfred H. Rommel, Assistant Director for Legislative Reference, Office of Management and Budget, expressing the views of their respective agencies on the bill and recommending enactment of S. 4269.

IMPROPER USES OF THE METERED MAIL SYSTEM

The Senate proceeded to consider the bill (H.R. 14485) to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system which had been reported from the Committee on Post Office and Civil Service with amendments on page 1, after line 5, strike out:

"Sec. 501. Postage stamps, postage meter stamps, and postal cards.

"§ 501. Postage stamps, postage meter stamps, and postal cards

On page 2, line 3, after the word "Whoever", strike out "forger" and insert "forger"; in line 19, after the word "Office", strike out "Department," and insert "Department or by the Postal Service,"; in line 21, after the word "of", strike out "said department" and insert "The Department or Postal Service"; on page 3, line 3, after the word "Office", strike out "Department," and insert "Department or the Postal Service,"; and at the beginning of line 7, strike out "(b) Section 6(j)(6) of the Postal Reorganization Act is repealed."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1193), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF LEGISLATION

The purpose of H.R. 14485 is to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system.

This proposal was recommended to the Congress in an executive communication from the Postmaster General. The need for this legislation arises from the fact that the current laws relating to the forging or counterfeiting of adhesive-type postage stamps generally do not apply to postage meter stamps.

Recent advancements in printing arts, as well as the rapid increase in the use of metered mail, give this proposal a special urgency. At present, there is no prohibition against magazines and other publications printing perfect reproductions of postage meter stamps as part of an advertisement or other illustration. As the Postmaster General has pointed out, these reproductions need only to be cut out in order to be used in lieu of genuine postage meter stamps.

Section 501 of title 18 prohibits various acts in connection with the forging or counterfeiting of postage stamps. The first section of the proposed bill would amend this section so as to include specific references to postage meter stamps.

Section 504 of title 18 authorizes printing of illustrations of postage stamps under specific conditions. Section 2 of the proposed bill would amend this section by adding a new paragraph at the end thereof. This paragraph would provide that, for the purpose of section 504, postage meter stamps be included in the term postage stamp.

In recommending this proposal, your committee notes that in fiscal year 1956 adhesive stamps and stamped paper accounted for \$1.011 billion in postal revenue, while metered postage accounted for about \$7 million less (\$1.004 billion). In contrast, metered postage accounted for \$2.612 billion in postal revenues during fiscal year 1968 (more than a 160-percent increase), while adhesive stamps and stamped paper accounted for only \$1.799 billion (less than a 78-percent increase).

ALBERT G. FELLER AND FLORA FELLER

The bill (S. 2835) for the relief of Albert G. Feller and Flora Feller was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert G. Feller and Flora Feller, of Ketchikan, Alaska, the sum of \$267.12, representing the cost to them of having the body of their deceased son transported from Anchorage, Alaska, to Ketchikan, Alaska, such son having drowned prior to returning from his United States Army preinduction physical examination in Anchorage.

Sec. 2. No part of the amount appropriated in this Act in excess of 20 percent shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed \$1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1200), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to authorize and direct the payment of \$267.12 to Albert G. and Flora Feller representing the cost to them of having the body of their deceased son transported from Anchorage, Alaska, to Ketchikan, Alaska, such son having drowned prior to returning from his U.S. Army preinduction physical examination in Anchorage.

STATEMENT

In its favorable report on the bill, the Department of the Army set forth the facts of the case as follows:

"The Department of the Army has no records concerning Albert G. Feller, Jr., son of Albert G. and Flora Feller, of Ketchikan, Alaska, but the following information was secured from the claimants, the Veterans of Foreign Wars, Juneau, Alaska, and the Selective Service System. In May 1966, Albert G.

Feller, Jr., a selective service registrant, was given a transportation request by the Selective Service System to cover his necessary travel from Ketchikan to Anchorage, Alaska, for the purpose of being inducted into the Army. Mr. Feller reported to the induction center on May 24, 1966, but he did not meet existing standards for induction and was rejected. Mr. Feller was given another transportation request for the return travel to Ketchikan, and was scheduled to depart on May 26, 1966. On May 30, 1966, Mr. Feller drowned while swimming in Big Lake near Anchorage, Alaska. The transportation request was returned to the issuing agency, and Mr. Feller's body was shipped home at the expense of his parents.

"All administrative claims made by the parents for reimbursement of transportation expenses for their son's body were denied by the Department of the Army on the ground that Mr. Feller had never acquired military status and no authority existed for payment. The Selective Service System also rejected claims by Mr. and Mrs. Feller for reimbursement on the ground that it had no authority to make payment. The pertinent Army regulation (AR 606-270, para. 12) in force at the time of Mr. Feller's death states that: 'For registrants for induction, financial responsibility for transportation, meals, and lodging, while traveling to and from AFES-Selective Service System [is responsible agency].' If Mr. Feller had lived, this provision would have covered his return transportation.

"Mr. Feller traveled to Anchorage to report for induction. The United States was obligated to provide him with transportation to his home in Ketchikan. His untimely death terminated this obligation. There is no statutory or regulatory authority permitting administrative settlement of this claim. It is the opinion of the Department of the Army that it would be equitable to reimburse the parents under the unusual circumstances of this case.

"The cost of the bill, if enacted, would be \$267.12.

"The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee."

The committee, after a review of the foregoing, believes that the bill is meritorious and recommends favorable consideration of S. 2835, without amendment.

RENEWAL OF CERTAIN FOREST SERVICE CONTRACTS WITHOUT ADVERTISING

The bill (H.R. 11953) to amend section 205 of the Act of September 21, 1955 (58 Stat. 736) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1202), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would permit the Forest Service to renew certain annual contracts twice without additional advertising.

At present the Forest Service has such authority with respect to procurement of aerial facilities and services for the protection of the national forests. The bill would (1) extend this authority to similar contracts with respect to other lands administered by the Forest Service, and (2) make it clear that it covers contracts for the furnishing at the airbase of facilities, equip-

ment, and materials and the preparation, mixing and loading into aircraft.

AGRICULTURAL MARKETING RESEARCH AND PROMOTION

The Senate proceeded to consider the bill (H.R. 13978) to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds which had been reported from the Committee on Agriculture and Forestry with amendments on page 2, line 1, after "(2)", strike out "striking the period at the end of the first proviso and inserting in lieu thereof"; and insert "inserting before the colon at the end of the first proviso the following"; and in line 8, after the word "the", strike out "order." and insert "order";

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1204), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would amend the marketing order law to—

(1) authorize provision for paid advertising in marketing promotion activities under almond marketing orders;

(2) authorize any such almond order to permit all or any portion of a handler's direct marketing promotion expenditures to be credited against his assessment under the order; and

(3) provide that inclusion of marketing promotion provisions in a marketing order shall not preclude similar provisions in a State order.

At present paid advertising can be provided for by marketing orders covering cherries, citrus fruits, onions, tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans and avocados. The bill would add almonds to this list.

PROGRAM OF RESEARCH AND PROMOTION FOR WHEAT

The Senate proceeded to consider the bill (H.R. 13543) to establish a program of research and promotion for U.S. wheat.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1203), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NEED FOR THE LEGISLATION

Successful operation of wheat commissions in 10 of the commercial wheat States has spawned this legislation. These commissions, enabled by State legislation and financed by producer assessment, have an excellent record of achievement and have proven beyond a doubt that accumulated research and promotion funds can be put to constructive use.



Public Law 91-435
91st Congress, H. R. 11953
October 6, 1970

An Act

84 STAT. 888 ·

To amend section 205 of the Act of September 21, 1944 (58 Stat. 736), as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 of the Department of Agriculture Organic Act of 1944, approved September 21, 1944 (58 Stat. 736), as amended by the Act of April 24, 1950 (64 Stat. 82), is hereby further amended to read as follows:

Forest Service.
Aerial services
and facilities.
16 USC 579a.

"SEC. 205. The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests and other lands administered by it, including the furnishing, at the airbase, of facilities, equipment, materials and the preparation, mixing and loading into aircraft, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising."

Approved October 6, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1295 (Comm. on Agriculture).

SENATE REPORT No. 91-1202 (Comm. on Agriculture and Forestry).

CONGRESSIONAL RECORD, Vol. 116 (1970):

July 20, considered and passed House.

Sept. 21, considered and passed Senate.

